

FILED  
IN CLERKS OFFICE

**COPY**

IN THE UNITED STATES DISTRICT COURT <sup>9:43</sup>  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

Linda Bailey, et al.

V.

**Indevus Pharmaceuticals, Inc., F/K/A Interneuron Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home Products Corporation; Wyeth Pharmaceuticals, Inc. F/K/A Wyeth-Ayerst Pharmaceuticals, Inc., A Division of American Home Products Corporation; and Boehringer Ingelheim Pharmaceuticals, Inc.**

Defendants. )

) CIVIL ACTION  
)) NO.

) NO. \_\_\_\_\_

**NOTICE OF ORDER REFERRING REMAND MOTIONS IN  
DEBT DRUG CASES TO A SINGLE JUDGE FOR DECISION**

This case is one of over 200 diet drug cases originally filed on behalf of approximately 4,500 plaintiffs in state court in Middlesex County, Massachusetts. Wyeth is in the process of removing all of these diet drug cases to the federal court.

In the first of these cases -- *Andrus, et al v. Indevus Pharm., Inc., et al.* -- Wyeth filed a Notice of Removal on May 7, 2004. Because the anticipated remand motions in *Andrus* and this and the other diet drug cases likely will raise similar, if not identical issues, Wyeth filed in *Andrus* a Motion to Refer Decision of Remand Motions in All Diet Drug Cases to a Single Judge for Decision. On May 19, 2004, the court (O'Toole, J.) entered an order granting Wyeth's motion.

Respectfully submitted this 3<sup>rd</sup> day of June, 2004.

/s/ Janice W. Howe

William A. McCormack BBO #329580

Janice W. Howe BBO #242190

David Yamin BBO #562216

Bingham McCutchen LLP

150 Federal Street

Boston, MA 02110

(617) 951-8000

*Counsel for Defendants Wyeth and*

Wyeth Pharmaceuticals, Inc.

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served Notice of Order Referring Remand Motions in Diet Drug Cases to a Single Judge for Decision upon all parties to the above-captioned action by hand and by Federal Express to the following:

**By Hand**

Edward J. Barshak (BBO No. 032040)  
Michael S. Appel (BBO No. 543898)  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9th Floor  
Boston, MA 02114

**By Federal Express**

Michael A. Lee  
Stuart V. Kusin  
Susman Godfrey L.L.P.  
1000 Louisiana, Suite 5100  
Houston, TX 77002

*Counsel for Plaintiffs*

**By Hand**

Matthew J. Matule (BBO #632075)  
Skadden, Arps, Slate, Meagher & Flom LLP  
One Beacon Street  
Boston, MA 02108

*Counsel for Defendants Indevus Pharmaceuticals, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc.*

This 3<sup>rd</sup> day of June, 2004.

/s/ Janice W. Howe

Janice W. Howe

*Counsel for Defendants Wyeth  
and Wyeth Pharmaceuticals, Inc.*